

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NEW HOMEFINDERS, INC.,

Plaintiff,

v.

NETWORK COMMUNICATIONS, INC.,

Defendant.

CIVIL ACTION NO.
3:06-CV-0442-N (ECF)

AGREED MOTION FOR CONTINUANCE

Plaintiff New Homefinders, Inc. (“NHF”) and Defendant Network Communications, Inc. (“NCI”) jointly move the Court for a continuance of the trial date, currently set for January 7, 2008 and for an entry of a new scheduling order.

On September 25, 2007, NCI filed a motion for summary judgment on three distinct grounds. Two of the grounds for summary judgment asserted by NCI, if granted, would be dispositive of the case. On September 29, 2007, NHF’s counsel requested that NCI agree to a twenty (20) day extension for NHF to respond to NCI’s summary judgment motion. After discussion of NHF’s extension request, the parties have agreed to the twenty (20) day extension request. The parties, however, also recognize that the Court needs to have sufficient time to review the parties’ summary judgment pleadings to determine whether a trial in this matter is necessary and have therefore agreed to jointly request that the current trial setting of January 7, 2008 be continued for 45 days.

Accordingly, the parties jointly move for a continuance of the current trial setting of January 7, 2008 for 45 days or as soon thereafter as the Court’s schedule permits. As previously indicated, the parties estimate that the trial will last four days. In connection with this

continuance, the parties request that the Court enter a revised scheduling order setting appropriate deadlines based on the new trial date, as set forth below.

- A. 90 days before trial – discovery closes; discovery requests must be served in time to permit response by this date.
- B. 90 days before trial – all motions, including any objections to expert testimony, must be filed.
- C. The parties shall file all pretrial materials 30 days before trial, including the following:
 - a. pretrial order pursuant to LR 16.4;
 - b. exhibit lists, witness lists, and deposition designations pursuant to LR 26.2 and Rule 26(a)(3); witness lists should include a brief summary of the substance of anticipated testimony (not just a designation of subject area) and an estimate of the length of direct examination; exhibit lists must include any materials to be shown to the jury, including demonstrative aids; the parties shall comply with Rule 26(a)(3) regarding objections;
 - c. proposed jury charge pursuant to LR 51.1 or proposed findings of fact and conclusions of law pursuant to LR 52.1; any objections to the proposed jury charge shall be filed within 14 days thereafter; objections not so disclosed are waived unless excused by the court for good cause;

- d. motions in limine; matters that are not case-specific are strongly discouraged; and
- e. requested voir dire questions.

Date: October 8, 2007

Respectfully submitted,

s/ Spencer F. Bartlett

Deborah S. Coldwell

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Spencer F. Bartlett

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**ATTORNEYS FOR DEFENDANT
NETWORK COMMUNICATIONS, INC.**

(signatures continued on next page)

(signatures continued from preceding page)

s/ Michael Robinson

Michael Robinson
State Bar No. 17102700

THE ROBINSON LAW FIRM

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**ATTORNEYS FOR PLAINTIFF
NEW HOMEFINDERS, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Agreed Motion for Continuance was served on all counsel of record in accordance with the Federal Rules of Civil Procedure on this 8th day of October, 2007.

Michael E. Robinson, Esq.
THE ROBINSON LAW FIRM
2704 Sherrill Park Ct.
Richardson, Texas 75082

Via ECF and E-Mail

s/ Spencer F. Bartlett
Counsel for Defendant

CERTIFICATE OF CONFERENCE

The undersigned conferred with opposing counsel concerning this Agreed Motion for Continuance and Mr. Robinson agreed with the need for a continuance, joined the Motion, and gave permission to sign on his behalf.

s/ Spencer F. Bartlett
Counsel for Defendant

AGREED TO AND ACCEPTED:

On behalf of :

DEFENDANT NETWORK COMMUNICATIONS, INC.

SIGNED BY: Susan Quinn Deese

Name: Susan Quinn Deese

Title: SVP/General Counsel

Date: 10-8-07

On behalf of :

PLAINTIFF NEW HOMEFINDERS, INC.

SIGNED BY: _____

Name: _____

Title: _____

Date: _____

AGREED TO AND ACCEPTED:

On behalf of :
DEFENDANT NETWORK COMMUNICATIONS, INC.

SIGNED BY: _____

Name: _____

Title: _____

Date: _____

On behalf of :
PLAINTIFF NEW HOMEFINDERS, INC.

SIGNED BY: Steve Statkas

Name: Steve Statkas

Title: V.P.

Date: 10-8-07